Nomination of Candidates for Membership in the Standing Advisory Committees.

Mr. President:— The House will now proceed to the election of the Members to the Standing Advisory Committees. The names of the Members who have subsequently withdrawn are struck off.

Mr. P. C. Varkey:— I beg to withdraw from the Education Committee.

Mr. President:— The Hon'ble Member for Ernakulam North says that he withdraws his candidature from the Advisory Committee for Education.

Voting of Demands for Grants.

25—Public Health---Rs. 1,28,005 *(Contd.)*

Motion No. 67 *(Contd.)*

Mr. T. S. Narayana Ayyar:— The other day we were discussing cut motion No. 67 regarding the desirability of repealing Regulation I of 1110. With regard to that I do not think it is desirable to repeal that Regulation. The fact remains that a feeling exists in the minds of Hon'ble Members or at least a section of them that it is desirable to regulate the conditions on which the licenses should be granted by the Government. I note that the next two or three cut motions also relate to the different aspects of this question.

Now, Sir, the repeal of the Regulation is one thing and the condition under which the licenses are granted is an entirely different thing. If it is the desire of the House that in working the Regulation Government should relax these conditions I may assure Hon'ble Members of this House that the Government are prepared to consider those conditions and to see that this Regulation is worked without detriment to the welfare of the trade that might be affected by a rigorous enforcement of the Regulation.

Mr. M. Sivarama Menon:— My attempt in moving this cut motion was not really to go into a division upon this point but it was to bring home to the notice of the Government the extreme hardship of agriculturists in this matter. But from the trend of the discussion yesterday and today I think I shall only be doing my duty if I express to this House that so far as this cut motion is concerned if the President is prepared to allow me to modify the same I shall be entirely satisfied.

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Mr. President:— There is already a motion, "To urge upon the Government the vagaries practised at the Ottupara arecanut market in the interests of arecanut traders". That is a specific motion.

Mr. M. Sivarama Menon:—That is only with regard to one particular point. But with regard to my cut motion I am anxious to see that the 7 miles rule is reduced to 2 or 3 miles, which is also against the English Common Law. Now it will be found that even a shopman can be treated as a market owner. The market is defined as a concourse of buyers and sellers at a definite spot between certain prescribed periods. From the definition given in our Regulation it will be clearly found that the purchaser need only be one individual. There may be hundreds of persons to sell. If there is only purchaser that also will come within the definition. I may again bring to the notice of the House---believe me for the present---that this Regulation was intended to serve only a particular individual. I may be permitted to read a portion of the judgment of the Chief Court.

Mr. President:— The Hon'ble Member cannot now start to an entirely different point.

Mr. M. Sivarama Menon:—If the President will permit to reduce the 7 miles rule to 2 or 3 miles then of course I have no objection.

Mr. President:— We cannot reopen the discussion.

Mr. M. Sivarama Menon:— I was asked by some of the Hon'ble Members whether I would accept the amendment. That is why I brought this to the notice of the President.

I have only to state by way of reply that this Regulation is working very great hardship and that the definition of the term 'Market' as put down in the new Regulation is definitely against the definition accepted by the Hon'ble Chief Court. This Regulation saw the light of day on the 31st day of the decision of the Hon'ble Chief Court. It was not upon the complaint of anybody else. This Regulation came into force on the 31st day and I therefore submit that the analogy drawn by the Government Advocate who also appeared against me in that very case is not at all applicable because so far as the Municipalities are concerned there are certain conditions attached to house construction rules which are to be fulfilled by the rate payers to get the permission of the Chairman and if the Chairman does not issue a license it is actionable in a court of law. Here it is that the difference lies. It will be found that under this Regulation no civil court has got a

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right to question. With regard to any act of the Municipal Council if it is an arbitrary exercise of the discretion then certainly it can be questioned by a civil court. Section 152 onwards will show what kind of restriction could be placed on market owners and it will be found that this Regulation is worked out to benefit one individual. I beg to bring to the notice of the House that if they think that the report of the officer appointed by Government is not to be taken notice of by Government I have nothing further to say in the matter and I beg leave of the House to withdraw the motion.

Motion was, with leave, withdrawn.

Motion No. 68.

Mr. P. Kumaran Ezhuthassan:— *To reduce the allotment of Rs. 16,570 for improvement to markets by Re. 1. (The hardship in fixing licensing fee for arecanut, pepper, ginger and cashewnut dealers at Rs. 10 and to recommend its reduction as low as possible.)*

Mr. President, Sir, I find a notification by the Government that from the 1st Chingom of the ensuing year persons who want to deal in arecanut, in the preparation and seasoning of arecanut, will have to take a license from the Health Department which will cost them Rs. 10. This is something which will affect the poor labourers in the areas where arecanut industry is prevalent. On behalf of these poor persons I thought it necessary to table this motion and give an opportunity for the Government to consider this hardship that will be caused to these people and get it reduced as far as possible conceding of course the necessity for a license. I am quite prepared to accept the position that licence for doing that work is necessary. But in the interests of the poor persons who alone are employed in these trades and who alone are affected by this new cess, the amount may be reduced as low as possible—I will put it at Re. 1. I make this observation with specific reference to arecanut leaving the other articles for the time being. If you will kindly permit me, sir, I am prepared to restrict the motion to arecanut alone because after the tabling of this motion I came to know that the question of the other articles standing on a different footing. Thank you, Sir, for allowing me to change the wording. Therefore the motion before the House will be "to reduce the amount under this demand by Re. 1 to bring home to the Government the hardship in fixing the license fee for arecanut and to see that it is fixed as low as possible". I would like get it reduced to Re. 1. This has been made a party question as it stands and with the leave of my Hon'ble Leader I have sought the permission of the Hon'ble Chair to restrict the scope of the motion as I have stated. I commend it for the consideration of the House.

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One word more I wish to submit. If the Government is prepared to consider this question very favourably in the immediate future it is not my intention to have any further discussion.

Dr. E. S. R. Menon:--- I have already given the assurance to the Hon'ble Member that it will be considered by the Government as far as arecanut is concerned.

Mr. P. Kumaran Ezhuthassan:—Sir, if that is the position of the Government, I request for leave of the House to withdraw the motion.

Motion was, with leave, withdrawn.

Motion No. 69

Mr. P. J. Alexander:—*To reduce the allotment of Rs. 72,670 for rural sanitation by Re. 1. (The neglected condition of sanitation works in rural areas especially densely populated places like Kumbalangy and the advisability of organising health units).*

Sir, my object in tabling this motion is only to bring to the notice of the Director of Public Health the neglected conditions of sanitation works in rural areas especially in densely populated places like Kumbalanghy. The remaining portion of the motion being one which opens a large question which has to be tackled separately, shall be omitted for the present.

The sanitary conditions in Kumbalanghy, which is one of the most thickly populated places in the State, leave very much to be desired and my request to the Health Director is to see that he makes some provision in the budget for the ensuing year for the construction of a few public latrines and if that would be done I shall be very glad to withdraw the motion.

Dr. E. S. R. Menon:— I have already made my position clear about the construction of latrines. Kumbalanghy has only just now been transferred to my Department and I can assure the Hon'ble Member that I will look into the matter.

Motion was, with leave, withdrawn.

Motion No. 70.

Mr. E. P. Bhaskara Menon:--- *To reduce the allotment of Rs. 1,13,450 for Sanitation and Conservancy by Re. 1. (The necessity for doing the work officers are expected to do).*

Sir, as the wording of the motion itself will show my idea in tabling this motion is to bring home to the Government the necessity

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of really doing the work the Department is expected to do. There is no use of having a large establishment and a large number of officers. I only say that they should stretch their vision to the extreme rural areas the inhabitants of which do not even imagine that there is a department like this. It is news to them that there is a Public Health Department in this State. I only request that the Hon'ble Member for Public Health would see that something tangible is done for the poor suffering public of the rural areas and I am sure that the Hon'ble Member will promise me to do that.

Dr. E. S. R. Menon:---Mr. President, Sir, I find from the cut motion that the object of the Hon'ble Member is to impress upon the Government the necessity for doing the work officers are expected to do. As it stands I think I cannot accept this cut motion. The officers are doing their work properly. If the Hon'ble Member will point out specific instances where officers have not done their duty I assure the House that necessary enquiries will be made. I, therefore, request the Hon'ble Member to point out specific instances of dereliction of duty on the part of any of the officers and I can assure him that I will bring him to book.

Mr. E. P. Bhaskara Menon---I fully appreciate the stand taken by the Government Member. The Government always think that their officers do their work. But I think it will be very unkind for the Government to ask me to quote specific instances especially when it is with regard to the dereliction of duty of some officer. I only wish that if the Public Health Director cared to scrutinise the matter I would not have been called upon to do the painful duty of reporting against the petty officers of his Department. I only request him to consider such cases as would come to his notice. I hope there is no difficulty in getting an assurance like that?

Dr. E. S. R. Menon:—I will do so.

Motion was, with leave, withdrawn.

Motion No. 71.

Mr. K. M. Kunhi Moideen:—*To reduce the allotment of Rs. 1,13,450 for establishment by Re. 1. (The injustice of imposing taxes on small scale industries.)*

സർ, അരപ്പട്ടിണി വ്യവസായികളുടെ മേൽ നമ്മുടെ ഗവണ്മെൻറ പൊതുവായി ചുമത്തീട്ടുള്ള നികുതി തീരെ അനാവശ്യമാണെന്നും, അതു് ഉടനെ പിൻവലിയ്ക്കേണ്ടതാണെന്നും ഒരു ഉപക്ഷേപം ഞാൻ ഹാജരാക്കുന്നു.

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ഇതിനെ സംബന്ധിച്ച് ഈ കൗൺസിൽ സിറിംഗിന്റെ ആദ്യം മുതല്ക്കുതന്നെ എല്ലാ അനുഭാവസ്ഥരായ സാമാജികന്മാരും വളരെ ശക്തിയായി വാദിച്ചിട്ടുണ്ട്. നിസ്സാരമായ ആദായത്തിന്മേൽ നികുതി ചുമത്തുകയെന്നുള്ളതു് ഒരു പരിഷ്കൃത ഗവൺമെന്റിനും നല്ലതല്ല. ഇതു ന്യായമല്ല, അന്യായമാണെന്നു ബുദ്ധിയുള്ളവരെല്ലാം സമ്മതിയ്ക്കും. അതുകൊണ്ടു് രണ്ടണയോ മൂന്നണയോ പോലും ആദായമുണ്ടാക്കുവാൻ സാധിയ്ക്കാത്തവിധത്തിലുള്ള അത്ര നിസ്സാരങ്ങളായ വ്യവസായങ്ങളിന്മേൽ ഗവൺമെന്റു നികുതി ചുമത്തരുതെന്നും, അങ്ങിനെയുള്ള നിയമം ഉടനെ പിൻവലിക്കണമെന്നും ഞാൻ ഗവൺമെന്റിനോടപേക്ഷിച്ചുകൊള്ളുന്നു. ചായക്കടക്കാർ, ചുണ്ണാമ്പുവീറുന്ന കണക്കത്തിമാർ, മറവ ഗ്രാമീണരായ തൊഴിലാളികൾ എന്നിവരുടെമേൽ നികുതി ചുമത്തുന്നതു് ഏറ്റവും ഭയങ്കരവും സങ്കടകരവുമായ ഒരു പ്രവൃത്തിയാണ്. ആദായമുള്ളവരുടെ മേൽ നികുതി ചുമത്തുന്നതിനെ ഞങ്ങൾ പ്രതിഷേധിയ്ക്കുന്നില്ല. നേരെമറിച്ചു് അന്നന്നു കിട്ടുന്ന ആദായംകൊണ്ടു് അവരുടെ പട്ടിണിപോലും തീർക്കുവാൻ സാധിയ്ക്കാത്ത സാധുക്കളുടെ മേൽ നികുതി ചുമത്തുകയും, പിരിഞ്ഞുകിട്ടാഞ്ഞാൽ അവരെ പ്രാസിക്യൂട്ടു ചെയ്കയും ചെയ്യുന്നതു് ന്യായമല്ല. ഈ സംഗതി ഗവൺമെന്റ് കൺസിഡർചെയ്യാമെന്നു പറഞ്ഞാലൊന്നും ഞാൻ സമ്മതിയ്ക്കയില്ല. ഇതിലേയ്ക്കു വേണ്ടതു് ഉടനെ ചെയ്യാമെന്നു വാഗ്ദത്തം തന്നാൽ ഞാൻ അതു സ്വീകരിയ്ക്കാം. ഇനി ഗവൺമെന്റുഭാഗത്തുനിന്നും മുള്ള മറുപടി കേട്ടശേഷം ബാക്കിയുള്ളതു പറഞ്ഞുകൊള്ളാം.

മിസ്റ്റർ കെ. എം. ഇബ്രാഹിം— ഞങ്ങളുടെയിടയിൽ പൊതുജനമദ്ധ്യത്തിൽനിന്നുണ്ടായ ഒരു സംസ്യം ഇതിൽ പല നികുതികളും കുറച്ചുകാലത്തിനു മുമ്പു് നിറുത്തിക്കളഞ്ഞുവെന്നാണു്. ഇതാ പൊടുന്നനവേ ഒരു ഗവൺമെന്റനുഭവമുണ്ടായി പല ഇനങ്ങളിലേയും നികുതികൾ നിറുത്തിക്കളഞ്ഞിരിയ്ക്കുന്നു എന്നാണു്. ബഹുമാനപ്പെട്ട ഹെൽത്തു ഡയരക്ടർ പ്രത്യേകം ഇതിൽ ശ്രദ്ധിയ്ക്കേണ്ട സംഗതി ഈ നികുതി ചുമത്തുന്നതു് ആളുകളുടെ കഴിവുകൊക്കെനുസരിച്ചായിരിയ്ക്കണം. നികുതി ചുമത്തുകയെന്നുള്ളതു് ഒരു അടിസ്ഥാനത്തിന്റെ പരമാവധിയാണു്. നികുതിയെന്നു പറയുന്നതു് പിടിച്ചുപറിയാണെന്നുപോലും വ്യാഖ്യാനിയ്ക്കുന്ന ഒരുകാലമാണിതു്.

അതുകൊണ്ടു് നികുതി കൊടുക്കുവാനുള്ള കഴിവുകളെ ആസ്പദപ്പെട്ടത്തിയായിരിയ്ക്കണം നികുതി ചുമത്തേണ്ടതെന്നാണു ഞാൻ പറയുന്നതു്. ഇതിനു് ഉദാഹരണത്തിനു മാത്രം ഈ ചെറിയ സംഗതിയെടുക്കാം.

ഈ ഉപക്ഷേപത്തിന്റെ ആരംഭകൻ ഇവിടെ പറഞ്ഞ ഇനങ്ങ

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ളിൽ "ചുണ്ണാമ്പുകല്ലെത്തിയുടെ കായ്യം പറഞ്ഞു. യാതൊരുവിധ ത്തിലും നിവൃത്തിയില്ലാതെ തെണ്ടിനടന്ന് അവിടെയും ഇവിടെയും നിന്നു കിട്ടുന്ന ഇത്തിരിക്കഥം ശേഖരിച്ചു അതു കുമ്മായമാക്കിയെടുക്കുന്ന കൂട്ടരാണ് അവർ. നാലണപോലും മൂലധനമില്ലാത്ത, തെണ്ടിത്തിരിഞ്ഞു നടക്കുന്ന, മറ്റൊരാശ്രയവുമില്ലാത്ത, കഷ്ടപ്പെട്ട ജീവിതം കഴിക്കുന്ന കൂട്ടരാണവർ. അവരേയുംകൂടി ഇതിൽ ഉൾപ്പെടുത്തുന്നതു വളരെ അത്ഭുതംതന്നെയാണ്. അതുകൊണ്ട് ഗവൺമെൻറ് ഇതു നല്ലവണ്ണം മനസ്സിലാക്കി വേണ്ടതു് ഉടനെ ചെയ്യണമെന്നു് ഞാനപേക്ഷിക്കുന്നു.

Mr. President:— If the Hon'ble Member wants to put this motion to a division he may do so. At half-past twelve today this discussion should be stopped.

Mr. K. M. Ibrahim:— According to the rules only one demand need be put on a day. Yesterday we completed one demand. Today this discussion can be continued.

Mr. President:— Yes. The discussion of this Department was begun yesterday at half past twelve. So this demand will have to be put at half-past twelve today.

Mr. E. Ikkanda Warriar:— I think Rule 49 is clear and the practice of the House was also different.

Mr. President:— That is the maximum time that can be taken on any demand is only one day. This was begun at half past twelve yesterday.

Mr. E. Ikkanda Warriar:— I distinctly remember that there had been cases where one particular demand has been discussed on more than a day according to the interpretation put upon it by the Chair.

Mr. President:— On matters on convention I am prepared to follow the old practice. But where the rule is perfectly clear I must be permitted to interpret the rules in the proper sense.

The question is to reduce the allotment of.....

Mr. K. M. Ibrahim:— Sir, the Government Member has not replied.

Mr. President:— If the Hon'ble Member can insist on his right of speech, the chair must insist on the right of procedure.

Motion was put and lost.

Mr. K. M. Ibrahim:— A poll, Sir.

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The House divided-Ayes 19, Noes 17.

AYES.

1.	Mr. K. Ayyappan.	11.	Mr. T. K. Nayar.
2.	„ E. P. Bhaskara Menon.	12.	„ P. Kumaran Ezhuthassan.
3.	„ A. Eachara Menon.	13.	„ K. Kunhirama Menon.
4.	„ P. Govinda Menon.	14.	„ K. M. Kunhi Moideen.
5.	„ K. M. Ibrahim.	15.	„ V. K. Kutty.
6.	„ E. Ikkanda Warriar.	16.	„ C. P. Lonappan.
7.	„ T. C. Iyyukkutty.	17.	„ Popatlal Goverdhan Lalan.
8.	„ C. R. Iyyunni.	18.	„ P. Raman Menon.
9.	„ V. K. Krishnankutty.		„ K. S. Panickar.
	19. Mr. A. V. Koothedan.		

NOES.

1.	Mr. K. Achyuta Menon.	9.	Mr. K. Narayana Menon.
2.	„ V. K. Aravindhaksha Menon.	10.	„ P. Nilakanta Menon.
3.	„ M. P. Cherian.	11.	Rama Varmha Tampuran.
4.	Miss. G. M. D'Souza.	12.	Dr. D. Raghavendra Rao.
5.	Mr. K. Krishna Warriar.	13.	„ E. S. R. Menon.
6.	„ T. S. Narayana Ayyar.	14.	Mr. M. A. Sankunny
7.	„ I. N. Menon.	15.	„ P. V. Subramania Ayyar.
8.	„ T. Narayana Menon.	16.	„ Thomas Manjuran.
	17. Mr. H. J. Walmesley.		

The motion was therefore carried.

The Demand minus Rs2 under Public Health put and carried.

Demand under Vaccination (Cranganur) put and carried.

Demand under Sanitation and Conservancy (Cranganur) put and carried.

20—Education—Rs. 15,89,465.

Mr. I. N Menon:— Mr. President, Sir, as usual it is my privilege to come to this House and ask for the largest allotment on record for the support of Education and in doing so I do not wish to make a long speech. But at the same time I would like to say a few words in explanation of the figures which have been given in the Budget. Sir, in the course of the general discussion on the Budget I heard some Hon'ble Members remarking that one of the defects of our budgetting was that a large percentage of the demands were non-votable. Without going into the question whether the

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